

**MEDICAL EXAMINING BOARD
MINUTES
FEBRUARY 15, 2012**

PRESENT: Carolyn Bronston; LaMarr Franklin (arrived 8:08 a.m.); Sujatha Kailas, MD; Raymond Mager, DO; Christopher Magiera MD; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Sheldon Wasserman, MD

EXCUSED: Jude Genereaux, Timothy Swan, MD, Sridhar Vasudevan, MD

STAFF: Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Eric Jensen, Lou Falligant, Clark Collins and David Wilson, WAPA; Anne Hletko, Council on Physician Assistants; Jeremy Levin, RWHC; Attorney Mary Lee Ratzel; Judy Warmuth, WHA; Tim Stumm, WHN; Scott Becher

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:00 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS, add:
 - i. Naglaa Abdel-Al, MD – 11 MED 127
 - Attorney Pamela Stach
 - Case Advisor – Jude Genereaux
- Under APPEARANCES REGARDING PETITION FOR SUMMARY SUSPENSION, add:
 - Proposed Interim Stipulation and Interim Agreement and Order
 - Petition and Order for Designation of Hearing Official
- Item 7a - Under PUBLIC HEARING ON CH MED 8, insert:
 - Clearinghouse Report for Ch. MED 8
 - Axley Brynson Proposal for MED 8.08 with WAPA Edits
- Item 8c – BUDGET LAPSE REPORT, insert additional materials after page 124
- Item 8e – FSMB MATTERS, insert after page 124:
 - Public Member Scholarships
- Item 10a – LEGISLATIVE REPORT - Senate Bill 306, insert additional materials after page 144 (AB 371)

- Item CS-1 – DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS, add:
 - i. Naglaa Abdel-Al, MD – 11 MED 127 – Attorney Pamela Stach (after page 240)
- Item CS-2 - DELIBERATION OF PETITION FOR SUMMARY SUSPENSION, add:
 - Proposed Interim Stipulation and Interim Agreement and Order
 - Petition and Order for Designation of Hearing Official
- Case Status Report – insert at the end of the agenda in closed session

MOTION: Kenneth Simons moved, seconded by Suresh Misra, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 18, 2012

Correction:

- On page 1, under AMENDMENTS, correct the spelling of Sandra Olson to Sandra Osborn

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to approve the minutes of January 18, 2012 as corrected. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

Michael A. Dehner, MD	09 MED 028
Dale E. Bauwens, MD	09 MED 108
Clifford T. Bowe MD	09 MED 033
James A. Shapiro, MD	10 MED 303
Susan J. Frazier, MD	11 MED 249
Richard Banchs, MD	10 MED 304
Brian Fox, MD	10 MED 313
Ronald K. Meyer, MD	11 MED 058
Naglaa Abdel-Al, MD	11 MED 127

These items will be deliberated in closed session.

**PRESENTATION OF PETITION FOR SUMMARY SUSPENSION AND
PROPOSED INTERIM STIPULATION AND INTERIM AGREEMENT AND ORDER**

**VICTORIA MUNDLOCH, MD
09 MED 258 AND 10 MED 363**

DOE Attorney Pamela Stach, Attorney Mary Lee Ratzel and Dr. Victoria Mondloch appeared before the Board in the matter of the Petition for Summary Suspension. This matter will be deliberated in closed session. Sheldon Wasserman was excused during the presentations.

**PUBLIC HEARING ON CH MED 8 RELATING TO THE PHYSICIAN TO
PHYSICIAN ASSISTANT RATIO**

Sheldon Wasserman called the Public Hearing to order at 9:00 a.m. The Board held this hearing to receive testimony from the public on a proposed amendment to the administrative rules related to physician assistants in Chapter MED 8. This proposed rule change was prompted by a need to modernize existing regulations to reflect the national trend to increase the number of physician assistants a physician may simultaneously supervise. These proposed rules also address defining supervision between physicians and physician assistants; clarifying when a personal appearance or an oral examination is necessary, and the periodic review of physician assistant prescribing practices. Written and oral comments become a part of the formal record of the rule-making process.

The following people testified: Mark Grapentine, Lou Fallilgant, David Wilson, Clark Collins, Anne Hletko and Judy Warmuth.

Sheldon Wasserman adjourned the public hearing at 9:30 a.m.

ITEMS FOR BOARD DISCUSSION

ARRA Grant – Demonstration of Online Verification System

Ari Oliver gave a comprehensive demonstration of the online verification system. This system will be more efficient for the licensees.

ARRA Grant Declaration of Cooperation

The Board voted to adopt the Declaration of Cooperation at the last meeting.

Budget Lapse Report – Karen Vanschoonhoven, DSPS Budget Director

Karen Vanschoonhoven, DSPS Budget Director, discussed the Budget Lapse report with the Board. The Board has concerns with the amount of money that is lapsed from the Medical Examining Board appropriation.

Maintenance of Licensure

Tom Ryan will reconvene the Maintenance of Licensure work group in the near future.

FSMB Matters

- **Public Member Scholarships to the FSMB Annual Meeting, April 26-28, 2012, Fort Worth, Texas**

MOTION: Sandra Osborn moved, seconded by Kenneth Simons, to authorize LaMarr Franklin to apply for the FSMB scholarship to attend as the Board's public member at the FSMB Annual Meeting to be held April 26-28, 2012, in Fort Worth, Texas. Motion carried unanimously.

This travel must be fully funded by the FSMB. DSPS staff will not attend this meeting due to travel restrictions.

Wis Admin. Code Chapter MED 10

Kenneth Simons reported on the recommendation made by the MED 10 work group during the teleconference held on February 14, 2012.

DSPS Website Improvement Opportunities

Due to the merger with the former Commerce Department, the agency's website is being revised. Tom Ryan suggested the Board members review the website and send suggestions and comments on improving and updating the information on the Medical Examining Board. Kenneth Simons suggested a focus group to review the easy use of the website and Carolyn Bronston would like more information available when querying a physician.

MOTION: Sujatha Kailas moved, seconded by Kenneth Simons, to convene a work group on website improvements. Motion carried unanimously.

The work group members are Carolyn Bronston, LaMarr Franklin, Sujatha Kailas, Sheldon Wasserman and Tom Ryan.

Medical Examining Board Newsletter

The Medical Examining Board Newsletter has been sent out, however not all members received a copy. Tom Ryan will follow up with the mailing lists.

Upcoming Outreach Opportunities

Sheldon Wasserman presented at Grand Rounds at Columbia St. Mary's' Hospital in Milwaukee on February 14, 2012.

Sujatha Kailas will give a presentation on May 3, 2012 at St. Agnes Hospital in Fond du Lac.

EXECUTIVE DIRECTOR MATTERS

Tom Ryan reviewed the newest appointees to the Board. Dr. Timothy Swan is a radiologist from Marshfield Clinic and replaces Dr. Azita Hamedani. Dr. Sridhar Vasudevan is a physical medicine and rehabilitation specialist from Belgium, WI and replaces Dr. James Conterato. Both the new members should be at the March meeting. Dr. Raymond Mager and Dr. Suresh Misra are still awaiting confirmation.

Sheldon Wasserman publicly thanked Dr. James Conterato and Dr. Azita Hamedani for their excellent work and service on the Medical Examining Board.

LEGISLATIVE REPORT

Senate Bill 420

Gene Musser reported this bill, relating to the make-up of the Medical Examining Board, has been introduced in the Senate and has been referred to the Health Committee.

Senate Bill 306/Assembly Bill 371

Gene Musser reviewed this proposed legislation with the Board.

Assembly Bill 487

This item was reviewed. Legal Counsel Sandy Nowack noted this bill does not allow for transitional licensing and this would be a hardship for both licensees and Department staff. No Board action was taken at this time.

SCREENING PANEL REPORT

LaMarr Franklin reported twenty five (25) cases were screened. Ten (10) cases were opened and three (3) ten-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

None.

OTHER BUSINESS

Sandra Osborn and Sandy Nowack attended the CME for the physicians who were disciplined for writing the sick notes. The course was well designed and informative.

RECESS TO CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Kenneth Simons, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; LaMarr Franklin-yes; Sujatha Kailas-yes; Raymond Mager-yes; Christopher Magiera-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 11:09 a.m.

RECONVENE IN OPEN SESSION

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:55 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Gene Musser moved, seconded by Sandra Osborn, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MICHAEL A DEHNER MD 09 MED 028

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Michael A. Dehner, MD. Motion carried unanimously.

DALE E BAUWENS, MD 09 MED 108

MOTION: Sujatha Kailas moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Dale E. Bauwens, MD. Motion carried. Raymond Mager abstained.

CLIFFORD T BOWE, MD
09 MED 033

MOTION: LaMarr Franklin moved, seconded by Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Clifford T. Bowe, MD. Motion carried unanimously.

JAMES A SHAPIRO, MD
09 MED 367

MOTION: Sandra Osborn moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against James A. Shapiro, MD. Motion carried unanimously.

SUSAN J FRAZIER, MD
11 MED 249

MOTION: LaMarr Franklin moved, seconded by Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Interim Order in the disciplinary proceedings against Susan J. Frazier, MD. Motion carried unanimously.

RICHARD BANCHS, MD
10 MED 304

MOTION: Kenneth Simons moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Interim Order in the disciplinary proceedings against Richard Banchs, MD. Motion carried unanimously.

BRIAN FOX, MD
10 MED 313

MOTION: Sujatha Kailas moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Interim Order in the disciplinary proceedings against Brian Fox, MD. Motion carried unanimously.

**RONALD K MEYER, MD
11 MED 058**

MOTION: Sujatha Kailas moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Interim Order in the disciplinary proceedings against Ronald K. Meyer, MD. Motion carried unanimously.

**NAGLAA ABDEL-AL, MD
11 MED 127**

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Interim Order in the disciplinary proceedings against Naglaa Abdel-Al, MD. Motion carried unanimously.

DELIBERATION OF PETITION FOR SUMMARY SUSPENSION

**VICTORIA J MONDLOCH, MD
09 MED 258 AND 10 MED 363**

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to adopt the Proposed Interim Stipulation and Interim Agreement and Order in the disciplinary proceedings against Victoria J. Mondloch. Motion carried. Suresh Misra, Kenneth Simons and Sujatha Kailas opposed. Sheldon Wasserman was excused during deliberation and abstained from voting.

PROPOSED ADMINISTRATIVE WARNINGS

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to issue the Administrative Warning in case **09 MED 439 against respondent J.G., MD.** Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING

DOE Attorney Kim Kluck, Respondent's Attorney Randall Gold and the respondent, appeared before the Board.

MOTION: Raymond Mager moved, seconded by Sandra Osborn, to rescind the Administrative Warning in case **10 MED 176 against respondent G.B., MD.** Motion carried unanimously.

**REQUEST FOR EQUIVALENCY OF ACGME APPROVED POST-GRADUATE
TRAINING**

DENIS M JONES, MD

MOTION: Sujatha Kailas moved, seconded by Carolyn Bronston, to deny the request from Denis M. Jones, MD, for equivalency of the ACGME approved post-graduate training. Motion carried. Kenneth Simons abstained.

**DELIBERATION OF CLEARINGHOUSE COMMENTS AND PUBLIC COMMENTS
REGARDING CH MED 8**

MOTION: Kenneth Simons moved, seconded by Sujatha Kailas, to reject the proposal from the Wisconsin Hospital Association and to appoint Gene Musser as the liaison for Ch. Med 8. Motion carried unanimously.

MONITORING

RUDY V BYRON, MD

MOTION: Sujatha Kailas moved, seconded by Raymond Mager, to grant the request from Chandra S. Reddy, MD, for the extension of time to complete the education. Motion carried unanimously.

STEVEN B GREENMAN, MD

MOTION: Carolyn Bronston moved seconded by Sandra Osborn, to require Steven B. Greenman, MD, to pay 20% of his costs each year for the next five (5) years. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Sujatha Kailas, to deny the request of Steven B. Greenman, MD, for reinstatement of his license. Motion carried unanimously.

KIRSTEN D PETERSON, MD

MOTION: Sujatha Kailas moved, seconded by Carolyn Bronston, to approve the request from Kirsten D. Peterson, MD, for a reduction in screens to twenty eight (28) per year. Motion carried unanimously.

CASE CLOSINGS

MOTION: Carolyn Bronston moved, seconded by Raymond Mager, to close case **11 MED 004** for compliance gained. Motion carried unanimously.

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to close case **10 MED 371** for no violation. Motion carried unanimously.

MOTION: Kenneth Simons, moved, seconded Sandra Osborn, to close case **11 MED 158** for no violation. Motion carried unanimously.

MOTION: Raymond Mager, moved, seconded Kenneth Simons, to close case **11 MED 246** for prosecutorial discretion (P7). Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by Raymond Mager, to close case **11 MED 229** for insufficient evidence. Motion carried unanimously.

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to close case **10 MED 052** for insufficient evidence. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to close case **11 MED 188 against respondent W.S.N, MD,** for no violation and **against respondent C.S., MD,** for insufficient evidence, with a recommendation to have a photographic record of all colonoscopies. Motion carried unanimously.

MOTION: Raymond Mager moved, seconded by Carolyn Bronston, to close case **11 MED 233** for no violation. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Sujatha Kailas, to close case **10 MED 308** for prosecutorial discretion (P7). Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to ratify all licenses and certificates as issued. Motion carried unanimously.

OTHER BUSINESS

MOTION: Sujatha Kailas moved, seconded by LaMarr Franklin, to authorize Sandra Nowack or other DSPS staff as appropriate to sign the Order regarding the request for equivalency of ACGME approved post-graduate training, on Dr. Wasserman's behalf. Motion carried unanimously.

ADJOURNMENT

MOTION: Gene Musser moved, seconded by Kenneth Simons to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:57 p.m.